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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691.035	10/22/2003	Imran Ulla	MTNC006US0	7552
58417	7590	08/01/2006	EXAMINER	
HEINZ GRETHER PC 5810 TRADE CENTER DR. SUITE 300 AUSTIN, TX 78744			LEA EDMONDS, LISA S	
			ART UNIT	PAPER NUMBER
			2835	

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/691,035

Applicant(s)

ULLA ET AL.

Examiner

Lisa Lea-Edmonds

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-6, 10-17, 20 and 22-26 is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-9, 18, 19 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 7-9, 18, 19, 21, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chuang et al. (6700775). With respect to claims 1-3, 9, 18, 19, 21, and 26, Chuang et al. teaches a tablet PC device comprising a portable computer "tablet PC" (1) having a display (12) disposed on a first major surface, and a protective cover (2) adapted to releaseably engage the tablet PC (1) in a first orientation in which it covers the display (12), wherein the cover (2) is further adapted to releasably engage the tablet PC (1) in a second orientation which does not cover the display (12), wherein the cover (2) is removable as claimed (see for example figures 1-8). However, Chuang et al. lacks a teaching of the protective cover having a battery pack disposed therein as claimed. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the protective cover (2) of Chuang et al. to include a battery pack disposed therein to provide power to the components (i.e. keyboard (23) and connector (24), which electrically connects to the tablet PC (1)) disposed therein. It would have also been obvious to one of ordinary skill in the art for the battery pack to be removable and/or releasable from the cover. Applicant is directed toward the apparatus of Ma (5132876) for such teachings, if applicant disagrees with the examiners

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statements of obviousness. With respect to claims 7 and 8, it would have also been obvious to one of ordinary skill in the art to provide for a plurality of battery pack and/or batteries within a battery pack to provide the user with an extended time of use.

***Allowable Subject Matter***

3. Claims 4-6, 10-17, and 22-25 are allowed.

4. The following is an examiner's statement of reasons for allowance: as to claims 4-6, patentability resides, as least in part, in the cover engaging the second major surface of the computer as claimed and in combination with the other limitations of the base claim; as to claims 10-16, patentability resides, as least in part, in the battery pack having an indicator thereon which indicates the degree to which the battery is charged as claimed and in combination with the other limitations of the base claim; as to claim 17, patentability resides, as least in part, in the computer (PC) having internal batteries, wherein the cover is adapted to be connected to an external power source and to thereby recharge the battery pack in the cover as well as the internal batteries in the PC, as claimed and in combination with the other limitations of the base claim; as to claim 20, patentability resides in the tablet PC comprising a chassis, a display, a protective cover having a first and second orientation and also having a battery pack disposed therein, wherein the battery pack is in electrical communication with the internal circuitry of the tablet PC when the cover is in the second orientation as claimed; as to claims 22-26, patentability resides, as least in part, in the cover is adapted to power (provide AC power) a peripheral device, wherein the peripheral is a disk drive,

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wherein the peripheral device is a cell phone as claimed and in combination with the other limitations of the base claim

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

5. Applicant's arguments filed 11/09/05 have been fully considered but they are not persuasive. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, applicant is directed to Solomon et al. (2003/022149) and Armitage et al. (2001/0022719, 6282082). All of which teaches an additional battery or power source in a cover (base) for powering the computer. In view of what is known in the art by example of Solomon et al. and Armitage et al., one of ordinary skill would find a suggestion or motivation to incorporate an additional battery or power source in the cover (base) as claimed. Also, In response to applicant's argument that "it requires a cognitive leap to place batteries in

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the cove that are capable of powering the computer", the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please note the teachings of Solomon et al. (2003/022149), Armitage et al. (2001/0022719, 6282082) and Ulla et al. (6882524).
7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Lea-Edmonds whose telephone number is 571-272-2043. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Field can be reached on (571) 272-2800, ext 35. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Lisa Lea-Edmonds  
Primary Examiner  
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2006-07-27